

RESPONSE TO COMMENTS

Item No. 11: Order Amending Order No. R5-2007-0035 Waste Discharge Requirements General Order for Existing Milk Cow Dairies (General Order)

6 April 2009 Letter from Jeffrey R. Single, Ph.D., Regional Manager, California Department of Fish and Game, Fresno

Comment 1: The proposed change only leaves one year to complete facility improvements after preparation of the Waste Management Plan. This could set up another request to delay implementation well beyond July 1, 2011.

Response: Pursuant to the General Order, the dairies have prepared a preliminary facility assessment report and therefore have an understanding of the improvements that are needed. The Tentative Order requires a status report on improvement implementation from dischargers six months prior to the July 1, 2011, implementation deadline in order to facilitate work staying on schedule. With respect to potential future requests that may delay implementation, the Board retains control over the timetable for implementation of the General Order's requirements and has the authority to make findings as to impact on water quality and adopt or deny future requests for changes.

Comment 2: Most water quality issues arise because the dairy operators lack the storage capacity to store waste with resultant illegal discharges. High concentrations of ammonia, increased salinity and nutrient loading are three major concerns the Department has in relation to dairy waste discharges. Nutrients can contribute to low dissolved oxygen.

Response: The General Order prohibits the discharge of waste to surface water from the production area, which is the area addressed by the Waste Management Plan. General Order Prohibition A.3. That prohibition is in effect now and the proposed Order will not affect the prohibition. The Board has the authority to continue to take enforcement action against illegal discharges. As stated in the findings of the Tentative Order, the Tentative Order only changes the date on which the WMP is submitted and not the date by which the proposed improvements to storage capacity and other production area design/construction elements must be implemented. Further, as stated in response to Comment 1, with respect to potential future requests for delay of implementation, the Board retains control over the timetable for implementation of the requirements of the General Order.

23/24 April 2009 Meeting
Central Valley Regional Water Quality Control Board